



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/720,908	03/09/2001	Elisabeth Lakso	000500-282	7370

21839 7590 11/02/2004

BURNS DOANE SWECKER & MATHIS L L P
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER

REICHLER, KARIN M

ART UNIT	PAPER NUMBER
----------	--------------

3761

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/720,908

Applicant(s)

LAKSO ET AL.

Examiner

Karin M. Reichle

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 16-22, 29-30 and 34-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 16-22, 29-30 and 34-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Language Interpretation

1. The claim terminology "renewable raw material" is defined as set forth on page 3, lines 5-6 of the instant specification. Also note lines 6-13 of that same page. With regard to the terminology "component of an absorbent article" note page 5, lines 4-6 and 10-15. With regard to the terminology "component of" the "packaging material" note the paragraph bridging pages 5-6. With regard to claims 2, 17, and 36, also see page 10, lines 14-16 of the 2-9-04 response.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-7, 16-22, 29-30 and 34-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants disclosure, Barrocas '179, Toms '679, Cargill '941, Klemp '669, Widlund '672, Sigl '550 and the definition of "polyethylenes", first paragraph, in the Materials Handbook.

Note Claim Language Interpretation section supra. With regard to the claims, see Toms '679 at col. 1, lines 23-27 and col. 11, lines 54-57, Cargill at Description of the Prior Art, Klemp '669 at col. 4, lines 17-35, Widlund '672 at col. 1, lines 43-53, and col. 3, lines 7-13, Sigl '550 at col. 1, lines 54-60 and col. 3, lines 34-48 and the definition of "polyethylenes", first paragraph, which admit that it is known to produce components of absorbent articles, such as liquid impermeable backing sheets, topsheets, waist elastics and fastener devices, i.e. landing strips, or

Art Unit: 3761

packages from material produced from polyethene, also known as polyethylene, derived wholly or in part from petroleum products, i.e. non-renewable materials. Applicants' disclosure at the paragraph bridging pages 14-15, page 16, first full paragraph, page 17, third full paragraph and page 18, line 10, as well as Toms '679 at col. 9, lines 15-66, Cargill at Description of the Prior Art and the definition of "polyethylenes", first paragraph, admits that manufacture of a film or material, including those of polyethene, components from that film or material, absorbent articles from the components, film or material, alone or with other components, prepacking, manufacture of the prepack or package and methods of manufacture, including those of polyethene, are also known. Applicants' disclosure at page 9, lines 6-17 and page 16, lines 8-17, as well as Barrocas et al '179 at col. 1, lines 4-34, admits it is known to produce ethane from ethanol, a renewable material, and to produce polyethene from such ethane. Therefore, the invention of the claims is known except for, and as set forth by Applicants at page 9, line 17-page 10, line 4, the use of renewable raw materials rather than non-renewable raw materials in the manufacture of the polyethene used in the field of application, i.e. absorbent articles or packaging materials. This invention as set forth by Applicants at page 3, lines 2-4 is more environmental friendly. In other words, the invention is using a known material, i.e. polythene made from renewable materials, and processing it as known to manufacture components in a field of application instead of using the same known material, but such material made from nonrenewable raw materials, and processing it the same to manufacture the same components in that same field of application for the same reason the prior art created the known polyethene material made from renewable materials rather than nonrenewable materials in the first place, i.e. more environmentally friendly. Furthermore, the definition of "polyethylenes", first paragraph, suggests that it is

Art Unit: 3761

known to use the material polyethylene, i.e. polyethene, in multiple fields of application because the advantages or benefits of such use in one application field also apply in the other application fields. Therefore, from the Applicants admissions as to what is known and the prior art, to use the known polyethene made from renewable materials in the application field of absorbent articles and packages instead of the previously used polyethene made from non-renewable materials would be obvious to one of ordinary skill in the art in view of the recognition that such would also provide the same advantage or benefit of being more environmentally friendly in those application fields.

Response to Arguments

4. Applicants' 7-22-04 remarks with regard to claim informalities have been considered but are deemed moot in that such have not been re-raised. Applicants' remarks on page 6, line 15-page 8, line 13 of 7-22-04 have been noted. Applicant's remarks on page 8, line 14-page 12, line 10 of the 7-22-04 response have been considered but are deemed not persuasive, not only for the reasons set forth in the rejection in the rejection *supra*, but also because such remarks are narrower in scope than the prior art rejection and the teachings of the prior art. First, the allegation set forth by Applicants on page 8 is not complete, see the complete teaching set forth in the prior art rejection, i.e. "it is known to produce components of absorbent articles, such as liquid impermeable backing sheets, topsheets, waist elastics and fastener devices, i.e. landing strips, or packages from material produced from polyethene, also known as polyethylene, derived wholly or in part from petroleum products, i.e. nonrenewable materials. Second, the cited portions of the references teach the components of absorbent articles and packages are

produce from polyethylene, i.e. polyethene, and Cargill, for example, teaches that polyethylene, i.e. polyethene, is petrochemical based, see e.g. page 1, lines 35-38 and page 3, lines 3-8 thereof. Applicants' remarks on page 12, lines 11-20 of the 7-22-04 response have been noted. Finally, the remainder of Applicant's 7-22-04 remarks with regard to the new contention as to what the invention is have been considered but are deemed not persuasive in that such are not consistent with the scope of the specification. The paragraph bridging pages 9-10, page 10, lines 11-16 and page 16, second full paragraph does not set forth set forth what Applicants' allege in the sentence bridging pages 13-14 of the 7-22-04 response, the first full sentence on page 14 of the 7-22-04 response, lines 10-14 and 27 of page 15 of the 7-22-04 response. It is noted that the claims except for 2, 17 and 36 do not require the film to be formed solely of polyethene and thereby such could include other additions and the film could be biodegradable.

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

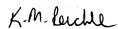
Art Unit: 3761

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karin M. Reichle whose telephone number is (703) 308-2617. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Schwartz can be reached on (703) 308-1412. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Karin M. Reichle
Primary Examiner
Art Unit 3761

KMR
October 19, 2004